



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 18, 2014

Antonio Rodriguez
Canadian Solar
2420 Camino Ramon, Suite 125
San Ramon, CA 94583

**REGARDING: PROJECT NO. R2012-01589-(5)
CONDITIONAL USE PERMIT NO. 201200086
NORTHWEST AND SOUTHWEST CORNERS OF WEST AVENUE J AND
110TH STREET WEST (APNs: 3267-004-016, 3267-004-017, 3267-004-018,
3267-004-025, 3267-004-026, 3267-004-027, 3267-004-028, 3267-004-029,
3267-004-044, 3267-004-045, 3267-004-046, 3267-014-017, 3267-014-018,
3267-014-019, 3267-014-020.)**

The Regional Planning Commission, by its action of February 12, 2014, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **February 26, 2014. Appeals must be delivered in person.**

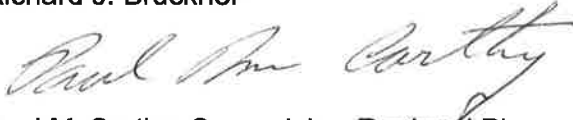
Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

A handwritten signature in cursive script, reading "Paul McCarthy".

Paul McCarthy, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

PMC:amc

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01589-(5)
CONDITIONAL USE PERMIT NO. 201200086**

1. **ENTITLEMENT REQUESTED.** The applicant, Canadian Solar, is requesting a Conditional Use Permit ("CUP") to authorize the construction, operation, and maintenance of a photovoltaic solar electric generating plant in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone pursuant to the Los Angeles County ("County") Code Section 22.24.150.
2. **HEARING DATE.** February 12, 2014.
3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly-noticed public hearing was held on February 12, 2014 before the Regional Planning Commission (Commission). Staff presented the case and recommended approval. Two of the applicant's representatives testified in favor of the project and discussed the project's benefits. The Commission asked the representatives about the management of the mitigation land and if it was secured and about the water supply. The representative responded that the mitigation land would most likely be managed by a conservancy, and that the mitigation land had not yet been secured. Regarding the water supply, the applicant responded that the project had secured water from the Cawelo Water District, a water bank based out of Bakersfield.

Members of the public testified both in support and in opposition to the project. Testimony in support referred to the ability of the project to provide renewable energy and jobs. Testimony in opposition included questioning the adequacy of the environmental analysis, asserting that the 84.5 acres of on-site mitigation land was not appropriate and that all mitigation land should be off-site and connected to existing dedicated open space, asserting that the current drought conditions would create serious dust problems during construction, questioning the survival of the landscaping in the desert environment, questioning the impact to rural communities from dust and possible Valley Fever, and stating that the jobs created by the project would be short-term only. Another testifier stated that there should be more coordination between renewable energy companies and the town councils.

The applicant's representatives gave rebuttal and stated that all impacts from the project could be reduced to levels of insignificance with the recommended and agreed-upon mitigation measures and that the project would minimize grading and submit a dust control plan. The Commission questioned the reliability of the water supply and asked if additional measures should be in place in case the applicant was unable to secure water. Staff responded that the applicant had secured water from a water bank, which means the water had been obtained during a period of surplus rainfall and stored below ground for use during a drought. The water had been obtained outside the adjudicated area of the Antelope Valley Groundwater Basin. It is physically available now and guaranteed to the applicant. The Commission then discussed the project and stated that it was a relatively small

facility and that it was important to encourage the development of renewable energy. There being no further testimony, the Commission closed the public hearing, adopted the Mitigated Negative Declaration, and approved the project 4:0:0:1.

4. **PROJECT DESCRIPTION.** The applicant is requesting a CUP for the construction, operation, and maintenance of a 20-megawatt, photovoltaic solar energy facility located on 178.5 acres of a 263-acre site. The project will also entail the construction of an 8-foot-wide trail as required by the County Department of Parks and Recreation (Parks and Recreation) and perimeter landscaped vegetative screening along 110th Street West, West Avenue J, and the northern edge of the project site. The facility will include an on-site substation, switchyard, interconnection generation-tie (gen-tie) line, an equipment enclosure, a meteorological station, and two minimum 10,000 gallon water tanks for use by the Fire Department and applicant. The project will obtain water from a source located outside the adjudicated area of the Antelope Valley Groundwater Basin. A 6-foot-tall fence topped with 2 feet of barbed wire will surround the site and will have intermittent 1-foot openings at the bottom to allow for wildlife passage.

The project will be constructed with a "light-on-land" approach. There will be no mass grading; solar arrays will be driven directly into the ground. Grading will only occur for the access roads, project substation, inverter pads, water tank pads, retention basins, and trail areas. At a maximum, 20 acres could be in active disturbance at one time, although it will be more common for only three acres to be in disturbance. The project soil will be stabilized with binders and will be watered during construction to prevent fugitive dust. An as-built plan will detail how the project has been constructed and if additional vegetative restoration is necessary. In the event such restoration is necessary, a Revegetation Plan will be required.

5. **LOCATION.** The subject site is located at the northwest and southwest corners of the West Avenue J and 110th Street West intersection in unincorporated Los Angeles County (near the western boundary of the City of Lancaster). The location is within the Fifth Supervisorial District of Los Angeles County and the Antelope Valley West Zoned District. The Assessor's Parcel Numbers are 3267-004-016, 3267-004-017, 3267-004-018, 3267-004-025, 3267-004-026, 3267-004-027, 3267-004-028, 3267-004-029, 3267-004-044, 3267-004-045, 3267-004-046, 3267-014-017, 3267-014-018, 3267-014-019, 3267-014-020.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the subject site located west of 110th Street West and both north and south of Avenue J, divided into a North Portion and South Portion. Two 20-foot-wide driveways, both on Avenue J, provide access to the North and South Portions. The two minimum 10,000-gallon water tanks are depicted at both entrances of the North and South Portions, near the driveways. Five hundred-kilovolt transmission line towers are shown along the westerly boundary of the North and South portions running in a north-to-south direction, and along the southerly boundary of the South Portion, running west to east.

Solar arrays comprise a majority of the L-shaped North Portion and the square-shaped South Portion. The solar arrays are depicted arranged in blocks of 250 kilowatts. Perimeter and internal roads are also shown in the fields. The on-site electrical sub-station is depicted in the northeast corner of the South Portion.

Elevations depict the approximately 18-foot-tall water tank with access ladder. Six-foot-tall chain-link fencing topped with 2 feet of barbed wire is also depicted.

7. **EXISTING ZONING.** The zoning of the subject property is A-2-5 in the Antelope Valley West Zoned District.

Surrounding properties are zoned as follows:

North: A-2-5, A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area).

South: A-2-5.

East: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area), City of Lancaster (RR-2.5 [Rural Residential – 2½ Acre Minimum Required Lot Area], SP [Specific Plan]).

West: A-2-5.

8. **EXISTING LAND USES.** The land use on the subject site is vacant land and Southern California Edison ("SCE") transmission lines.

Surrounding properties are developed as follows:

North: Vacant land, single-family residential.

South: Vacant land, single-family residential.

East: Vacant land, single-family residential.

West: Vacant land.

9. **PREVIOUS CASES/ZONING HISTORY.** Ordinance No. 7397 established the A-2-5 zone on the subject property on September 23, 1958.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**

The project site is located within the "R" (Non-Urban) category of the County General Plan ("General Plan") and the "N1" (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Community Plan"). These designations are intended for low-density and low-intensity uses such as low-density residential uses. (The N1 designation permits 0.5 dwelling units per acre.)

The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process which shall impose appropriate conditioning for the project to ensure that negative impacts on adjacent land uses are minimized. This project has gone through the public hearing process and conditions have been adopted to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use are compatible with the community's rural character and will not have negative impacts to surrounding uses. The location, access, and design of the proposed project are all compatible with the surrounding area, making the project appropriate for the area.

The photovoltaic solar energy facility is a largely passive utility-type use that is unobtrusive in its operation and maintenance and is therefore consistent with the permitted uses of the underlying land use categories.

The following policies of the General Plan are applicable to the proposed project:

- *General Goals and Policies Chapter – Land Use and Urban Development Pattern – Policy 23 (Page I-21): “Ensure that development in non-urban areas is compatible with rural lifestyles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

The proposed photovoltaic solar facility will be designed in a manner that is compatible with the rural lifestyle in the area. It is located on former farmland adjacent to large transmission lines. It will be a largely passive utility-type use and will require little maintenance. It will be designed with a hiking/mountain biking/equestrian trail and will be screened from public view with perimeter landscaping. The project will not cause significant negative environmental impacts, nor will it subject people or property to serious hazard because measures have been adopted in the conditions to ensure that risks from fugitive dust will be reduced.

- *General Goals and Policies Chapter - Area Development Priorities – Policy 61 (Page I-31): “Maintain the open and rural character of the non-urban areas of the Antelope Valley.”*

The project site is an area that is considered rural. It is surrounded by vacant land, scattered residences, and ranches. The proposed project would essentially preserve the rural character of the community by developing a low-intensity land use on the property. The majority of the acreage of the fenced area of the solar array (102.5 acres of the 178.5-acre site) would be undisturbed, and the development that is proposed is modest in its scale and use. Furthermore, the dedication and construction of the Poppy Trail as required by Parks and Recreation will allow residents to traverse 110th Street West in a north/south direction. The applicant will be required to provide 272.5 acres of off-site mitigation land as well.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 2 (Page II-26): “Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources.”*

The project is for a photovoltaic solar energy facility that will generate 20 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 3 (Page II-26): “Promote the use of solar energy to the maximum extent possible.”*

The project is for a photovoltaic solar energy facility that will generate 20 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 13 (Page II-28): “Encourage open space easements and dedications as a means of meeting scenic, recreational and conservation needs.”*

The project will be required to provide 357 acres of on- and off-site mitigation land. This includes 272.5 acres of off-site land near the project site and 84.5 acres on-site outside the fence-in area of the solar arrays.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 30 (Page II-31): “Develop a system of bikeways, scenic highways, and riding and hiking trails; link recreational facilities where possible.”*

As part of the project, the applicant will dedicate and construct approximately one mile of the Poppy Trail.

The following policies of the Community Plan are applicable to the proposed project:

- *Policy 19 (Page V-3): “Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems.”*

The project will maintain natural drainages and minimizes grading to the site. Grading will only occur for access roads, retention basins, and water tanks.

- *Policy 40 (Page V-6): “Encourage efficient utilization of resources in allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects.”*

The project will generate 20 megawatts of carbon-free energy, reducing greenhouse gas emissions and allowing the State to meet its goals to reduce global warming. The project will also minimize ground disturbance and puts modest demands on public infrastructure.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject site is comprised of 15 parcels and totals 263 gross acres. All required development standards are met on the subject site.
12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed facility will comprise a photovoltaic solar energy field on 178.5 acres of a 263-acre site. Additionally, the project will incorporate perimeter landscaping along West Avenue J, 110th Street West, and the northern edge of the project site. A 12-foot-wide easement (with an 8-foot-wide useable trail) for the Poppy Trail will be dedicated and constructed along 110th Street West for pedestrians, hikers, mountain bikers, and equestrians.

The subject property is located in a rural area with the closest residence located 700 east of the project site on West Avenue J. Fifteen single-residence properties are located within a one-mile radius of the project boundary. The project site is comprised of previously disturbed farmland and contains mostly annual grasslands and small patches of native perennial grasses. Southern California Edison's Tehachapi Renewable Transmission Project transmission towers are located along the westerly edge of the North and South Portions; they also traverse the southern edge of the South Portion. The project site is located near the Antelope Substation and across the street from the approved Plainview Solar Project in the City of Lancaster. As such, the introduction of a solar facility on the subject property incorporating landscaping and a trail will result in a compatible land use with the neighborhood.

Electricity generating plants are permitted in the A-2 zone subject to a CUP. Furthermore, while solar facilities are classified as an "electric generating plant" under the County Code, the subject proposal is more comparable to a utility use, which is a permitted use under the Community Plan, the governing land use plan for the area.

The facility will be largely a passive, unstaffed facility with periodic maintenance visits. The site will have a fenced in area containing the solar arrays, but will also have 84.5 acres of an unfenced area that will remain in the current natural state, providing mitigation land for plants and species. The applicant will also be required to provide 272.5 acres of off-site mitigation land. As such, impacts related to biological resources will be mitigated, and open space will be set aside and preserved for the community's enjoyment.

13. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

County Department of Public Works ("Public Works")

Public Works recommends approval of this project and has recommended conditions of approval, compliance with which are required by the proposed conditions.

County Fire Department ("Fire Department")

The Fire Department recommends approval of this project and has recommended conditions, compliance with which are required by the proposed conditions.

Parks and Recreation

Parks and Recreation requests an easement be dedicated and a recreational trail be constructed along 110th Street West as part of the Poppy Trail, requirements which are included in the proposed conditions.

County Department of Public Health ("Public Health")

Public Health recommends approval of the proposed project with recommended conditions pertaining to potable water supply, sewage disposal, noise, and air quality, compliance with which are required by the proposed conditions.

14. OTHER AGENCY COMMENTS AND RECOMMENDATIONS.

California Department of Transportation ("Caltrans")

Caltrans' letter asked to County to consider and be mindful of storm water run-off and that a transportation permit will be required from Caltrans for the transportation of heavy equipment and materials which require a permit.

California Department of Fish and Wildlife ("CDFW")

CDFW's letter pertained to the County's analysis of burrowing owls, Swainson's hawk, and mitigation land. CDFW disagreed with the MND's conclusions regarding these resources. The County has incorporated CDFW's recommendations into the MND and MMP. CDFW's letter also recommended that the Initial Study ("IS")/MND analyze impacts to stream and riparian resources, and that the Decommissioning Plan be released for public review and comment. Since the Decommissioning Plan is not required until after project approval, the County could not release it for public review and comment.

Antelope Valley Air Quality Management District ("AVAQMD")

AVAQMD letter states that phased construction meets their requirements for reduction of dust, that a Dust Control Plan is required, and specifies requirements for watering the site to prevent fugitive dust. AVAQMD's requirements are included in the proposed conditions for the project.

Lahontan Regional Water Quality Control Board ("LRWQCB")

LRWQCB commented on an early draft of the IS/MND. LRWQCB's letter concurred with the County's decision to proceed with an MND, and requested specific mitigation measures to protect natural drainages. Such measures are included in the proposed conditions.

Southern California Edison ("SCE")

SCE commented on the project's IS/MND released for public and agency review. The SCE letter clarified certain text and mitigation measures pertaining to the gente line and hazardous waste.

City of Palmdale

The City of Palmdale commented on an early draft of the IS/MND. Comments from Palmdale pertained to ensuring that impacts from fugitive dust and PM₁₀ were minimized. Palmdale also asked how dust would be controlled post construction. Dust control measures are required in the proposed mitigation measures.

15. LEGAL NOTIFICATION AND PUBLIC OUTREACH. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

The applicant has met 15 times with members of the community, including the new and original Antelope Acres Town Councils, Fairmont Town Council, Oso Town Council, Friends of Antelope Valley Open Space, City of Lancaster, Antelope Valley Resource Conservation District, and International Brotherhood of Electrical Workers Union to present and discuss the project.

16. **PUBLIC COMMENTS.** One letter in support, one letter in opposition, and one telephone call in opposition were received. Eight letters commenting on the MND were also received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The subject property is governed by the Antelope Valley Areawide General Plan, a component of the County General Plan. Its land use designation is N1 (Non-Urban 1). The N1 designation is intended for low-density residential uses of a maximum of 0.5 dwelling units per acre. The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process, which shall require appropriate conditioning of the project to ensure that negative impacts on adjacent land uses are minimized. This project has gone through the public hearing process and conditions have been adopted to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use are compatible with the community's rural character and will not have negative impacts to surrounding uses. As the project will be a low-intensity, largely passive utility use appropriately located on disturbed land, will have adequate access to well-maintained and sufficiently wide streets, will be attractively landscaped at its perimeter, and will be appropriately fenced with wildlife-friendly fencing, it is appropriate for the subject location.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

18. The requested use is a largely passive utility use. It will not interfere with others quiet enjoyment of their property. The photovoltaic facility will contain rows of solar panels with a maximum height of 8 feet at full tilt. Two minimum 10,000-gallon water tanks, painted in earth tone colors and with a maximum height of approximately 18 feet, will also be located on the project site. During construction, the project will be screened from view by fabric or slats in the perimeter fence. The fence will be 6 feet tall and topped with 2 feet of barbed wire. Furthermore, perimeter landscaping will soften the aesthetic impact of the facility. An equestrian/mountain biking/hiking trail (Poppy Trail) will be constructed along 110th Street West and will allow community residents and visitors to traverse the edge of the site. A Dust Control Plan will ensure that fugitive dust from the construction and operation of the project will be minimized.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of

property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

19. The project site is comprised of 15 separate parcels and totals 263 acres and is located both north and south of West Avenue J. The solar facility will occupy 178.5 acres. The site is large enough to accommodate all County requirements for fire safety, clearances, flood easements, perimeter landscaping and for the construction of the 12-foot-wide trail easement (with 8-foot-wide useable trail) of the Poppy Trail. As the site will be remotely monitored, there will be periodic visits for maintenance purposes. There is adequate space in the solar field for maintenance vehicles to park.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. The project is at the northwest and southwest corners of 110th Street West and West Avenue J. 110th Street West is a 100-foot-wide Major Highway as identified on the County Master Plan of Highways. West Avenue J is a 62-foot-wide Major Highway to the east of the project site, at the intersection with 110th Street West. Both highways are paved and are adequately improved to carry the traffic generated by both the construction and operation of the proposed facility. The facility is not expected to generate pedestrian or bicycle traffic, but a hiking trail will be constructed along the project's frontage along 110th Street West to accommodate hikers and pedestrians, and the County Bicycle Master Plan identifies 110th Street West as a future route for a Class III bike path from Johnson Road to Avenue G. Ingress and egress to the site will be from two driveways, both located on West Avenue J with one leading to the North Portion and one to the South Portion. As the project will generate electricity for public consumption, a gen-tie line will be constructed along West Avenue J 1.5 miles to the east to the Antelope Substation.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

21. The County, as Lead Agency for the project, has analyzed the environmental impacts of the project in a Mitigated Negative Declaration ("MND") (SCH No. 2013101055). The MND includes Response to Comments dated January 30, 2014 and identifies mitigation measures to be implemented as part of the project. The Commission has reviewed and considered the MND and finds that it reflects the

independent judgment of the County. As stated in the MND, identified impacts to aesthetic resources, air quality, biological resources, cultural resources, hazards and hazardous materials, recreation, and utilities and service systems can be reduced to acceptable levels with the mitigation measures identified in the MND and incorporated as conditions in this grant. A Mitigation Monitoring Program ("MMP") consistent with the MND, has been prepared by the County, and its requirements have been incorporated into the conditions of approval for this project. The MMP prepared in conjunction with the MND identifies in detail the manner in which compliance with the measures adopted to mitigation or avoid potential adverse impacts of the project to the environment is ensured.

Therefore, the Commission, having considered the MND together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence that the project will have a significant effect on the environment as modified, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission.

22. The Initial Study concluded that there are certain potentially significant environmental impacts associated with the project that can be reduced to less than significant with the implementation of the proposed mitigation measures. As mitigation measures to reduce impacts to levels below significant were identified in the Initial Study phase, an MND is the appropriate environmental documentation. The draft Mitigation Monitoring Program ("MMP") is included as an attachment to this report.

The areas of environmental impact found to be less than significant with project mitigation incorporated include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Recreation
- Utilities/Service Systems
- Mandatory Findings of Significance

The following areas require no mitigation as described in the Initial Study.

- Agriculture and Forest Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing

- Public Services
- Transportation/Traffic

23. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Commission determines that it is necessary to limit the term of the grant to thirty-five (35) years.
24. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a CUP as set forth in Section 22.56.090 of the County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

- 1. The Commission, having considered the MND together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence that the project will have a significant effect on the environment as modified, finds that the Mitigated

Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

2. In view of the findings of fact and conclusions presented above, CUP No. 201200086 is approved subject to the attached conditions.

ACTION DATE: February 12, 2014

VOTE: Concurring:Dissenting:Abstaining:Absent, 4:0:0:1

Concurring: Valadez, Louie, Shell, Modugno

Dissenting: 0

Abstaining: 0

Absent: Pedersen

SMT:amc

February 12, 2014

- c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01589-(5)
CONDITIONAL USE PERMIT NO. 201200086**

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit ("CUP") for the construction, operation, and maintenance of a 20-megawatt, photovoltaic solar energy facility located on 178.5 acres of a 263-acre site. The project will also entail the construction of an 8-foot-wide trail (within a 12-foot-wide easement) as required by the County Department of Parks and Recreation (Parks and Recreation) and perimeter landscaped vegetative screening along 110th Street West, West Avenue J, and the northern edge of the project site. The facility will include an on-site substation, switchyard, interconnection generation-tie ("gen-tie") line, an equipment enclosure, a meteorological station, and two minimum 10,000 gallon water tanks for use by the Fire Department and applicant. The project will obtain water from a water bank located outside the adjudicated area of the Antelope Valley Groundwater Basin. A 6-foot-tall fence topped with 2 feet of barbed wire will surround the site and will have intermittent 1-foot openings at the bottom to allow for wildlife passage.

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GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 12 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on February 12, 2047.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the

permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$8,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **six inspections during the construction period and one annually for the remainder of the grant term, for a total of 40 inspections**. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required.

11. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$2,231.25** (\$2,156.25 for a Mitigated Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as conditions of approval.
13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the MMP and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
14. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by

Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

21. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
22. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT

23. The permittee shall dedicate and construct a 12-foot-wide easement for a recreational trail along 110th Street West, as required by County Parks and Recreation and as depicted on the Exhibit "A".
24. The permittee shall submit to Regional Planning a Landscape Plan for review and approval and shall comply with all requirements of such plan.
25. The permittee shall submit to Regional Planning an "as-built" plan, detailing how the project has been constructed and what areas, if any, need vegetative restoration. In the event vegetative restoration is required, the applicant shall submit a Revegetation Plan for review and approval by Regional Planning, as indicated on the MMP.
26. The permittee shall undertake and comply with a landscape maintenance program that controls the spread of invasive species on the subject property during the life of the grant term. The landscape maintenance program shall be submitted to Regional Planning for review and approval.
27. Prior to energization, the permittee shall install a perimeter landscaped vegetative screen along the property fronting 110th Street West, West Avenue J, and the northern edge of the project site, as depicted on the approved Landscape Plan. The landscaped vegetative screen shall not encroach upon the recreational trail.

28. The permittee shall irrigate the perimeter landscaped vegetative screen for a minimum of three years or until the landscaping has successfully established. The permittee shall ensure that the landscaped screen remains successfully established to the satisfaction of Regional Planning throughout the entire grant term. The permittee shall maintain all landscaping in a neat, clean, and healthful condition and shall properly prune, weed, remove litter, fertilize and replace plants when necessary.
29. The use of pesticides, herbicides, and rodenticides shall be prohibited on the subject property during the life of the grant term.
30. Prior to any ground disturbance and/or the issuance of grading permits, the permittee shall submit a dust control plan for review and approval by Regional Planning and the Antelope Valley Air Quality Management District ("AVAQMD"). The permittee shall abide by all requirements and conditions of the approved dust control plan.
31. The offsite generation tie-line shall be placed underground for the entire length to the Antelope Substation to the extent feasible.
32. Prior to obtaining any building permit, the permittee shall provide the County with a decommissioning plan ("Decommissioning Plan") in connection with any and/or all of the terminating events described in Condition No. 34, which Plan shall include, at a minimum, a detailed plan for decommissioning and deconstructing the facility and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director and the Director of Public Works and subject to their review and approval.

The Decommissioning Plan shall provide for, including, but not limited to, the following:

- a. Removal of solar panel structures and all appurtenant above-ground equipment;
- b. Removal of on-site overhead poles and above-ground electricity lines;
- c. Removal of all on-site water and sewage lines and septic tanks;
- d. Removal of permanent above-ground transmission lines and poles located in the public right-of-way if determined not usable by Public Works and/or any other applicable public or private utility;
- e. Restoration of any disturbed soil and revegetation of the site to its pre-construction condition, with native vegetation similar to the vegetation in the surrounding vicinity;
- f. Restoration or reclamation of project roads to their pre-construction condition unless the then-existing owner of the site elects to retain the improved roads for access throughout the site;
- g. Documentation of the pre-construction condition of the project site, including, but not limited to, a photographic record; and
- h. Details of the performance and financial assurance guarantees described in Condition No. 32, explaining the amounts and schedule for the provision of such guarantees.

33. Prior to obtaining any building permits, the permittee shall provide to the County, to the satisfaction of the Director and the Director of Public Works, performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan, as described in Condition No. 31. Additionally, the permittee shall be solely responsible for the costs and expenses associated with decommissioning the site after any of the terminating events described in Condition No. 34. In the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of decommissioning the site, the permittee shall be responsible for compensating the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "Salvageable Property") shall be considered. The residual value of the real property itself shall not be considered or included in the determination of whether the performance and financial guarantees are sufficient.

With respect to the performance and financial assurance guarantees, the following requirements shall apply:

- a. The permittee shall ensure that such guarantees are detailed in the approved Decommissioning Plan to the satisfaction of the Director and the Director of Public Works, and that such Decommissioning Plan shall explain the amounts and schedule for the provision of such guarantees.
- b. The permittee shall provide a report to the Director every five years after the date of final approval of this grant to confirm that the performance and financial assurance guarantees are sufficient to ensure performance and implementation of the Decommissioning Plan. The report shall be subject to review and approval by the Director and Director of Public Works particularly as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report.

A decommissioning pro forma summarizing the residual value of the Salvageable Property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all Salvageable Property, as defined in this Condition No. 32, the then-current cost of decommissioning the site, as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provide as of the date of such report. In the event it is determined that the performance and financial assurance guarantees as insufficient to perform the decommissioning of the site as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director and the Director of Public Works;

- c. Any funds not used by the County in connection with decommissioning the site shall be returned to the permittee; and

- d. The performance and financial assurance guarantees may consist of, including, but not limited to, one or more of the following, to the satisfaction of the Director and Director of Public Works:
- (1) An irrevocable letter of credit;
 - (2) A surety bond;
 - (3) An appropriate insurance policy;
 - (4) A trust fund or escrow account established and maintained in accordance with approved financial assurances and practices to guarantee that decommissioning the site will be completed in accordance with the approved Decommissioning Plan as approved by the Department of Public Works; or
 - (5) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with Regional Planning.
- A corporate guarantee shall not be considered a sufficient financial assurance guarantee.
34. Upon discontinuance of the permittee's operation as set forth in Condition No. 34, abandonment of the project in whole or in part, or termination of this grant as described in Condition No. 8, and in the event that a new permit application is not timely filed for a continued similar use or reuse of the site, the permittee shall perform decommissioning in accordance with the approved Decommissioning Plan, or compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative, and at the County's sole election, the County shall be entitled to use any performance and/or financial assurance guarantees, as described in Condition No. 32 (d), to perform the decommissioning itself or to contract for such decommissioning. The permittee shall grant the County the necessary access to the subject property to perform such decommissioning or to allow a County-retained contractor to perform such decommissioning.
35. In the event that any portion of the solar field is not in operational condition for a consecutive period of 24 months, operations for the portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 60 days from the date that written notice is sent to the permittee from Regional Planning. Within this 60-day period, the permittee may provide the Director a written request and justification for an extension of up to 12 months to resume operations of that portion of the site, which request shall be subject to the satisfaction and approval of the Director. A second written request and justification for a second extension of up to 12 months may also be submitted, which the Director may grant if the request is adequately justified based on the Director's determination. In no event shall the operations of the solar field or portion of the solar field be discontinued for more than 36 months from the date such operations were first deemed discontinued without being decommissioned pursuant to the approved Decommissioning Plan. Further, in no event shall any extension of the period to resume operations of any portion of the site pursuant to this Condition No. 34 be deemed to extend the term or expiration date of this grant.

36. The permittee shall not use any groundwater extracted from within the Antelope Valley Adjudicated Water Basin for the construction, operation, and/or maintenance of the solar facility.

PROJECT SITE SPECIFIC CONDITIONS

37. This grant shall authorize the construction, operation, and maintenance of a photovoltaic solar energy facility, offsite generation tie-line, and appurtenant equipment on 178.5 acres of a 263-acre site.
38. The permittee shall hire and retain an on-site compliance monitor: a "Special Inspector."
39. The permittee shall install a mechanical dust-monitoring device on the subject property subject to the approval of AVAQMD.
40. The project shall comply with all requirements of the Rural Outdoor Lighting District.
41. The permittee shall install portable wheel wash stations for the duration of construction activities to prevent the spread of invasive weed seed from the tire treads of vehicles entering and leaving the project sites. The seeds collected from the debris basins of these wash stations shall be disposed of in green waste or trash receptacles when the basins require maintenance. Wheel wash stations shall comply with CSQA BMP Construction Handbook.
42. Nothing in this grant shall prevent the permittee from installing more efficient solar panels in the future, increasing output, provided the footprint and overall disturbance area of the project does not increase. At such time the permittee wishes to install more efficient solar panels, a Revised Exhibit "A" shall be submitted to the County for such installation.
43. All fencing shall be wildlife-friendly fencing as depicted on the Exhibit "A".
44. The permittee shall revegetate disturbed areas to the extent feasible with indigenous drought-tolerant plants.
45. The two water tanks on the subject property shall be painted an earth-tone color (beige, sand, taupe or similar colors) to blend in with the surroundings, subject to review and approval by the Director.
46. Temporary screening of construction and staging areas (e.g. fencing with fabric or slats) shall be installed prior to construction activities to the satisfaction of Regional Planning.
47. The project shall only use water from a source, approved by the Director of Public Works, located outside the boundaries of the Antelope Valley Groundwater Adjudication Basin.

48. The Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility accessible to the public where it can be easily viewed at or near eye level.
49. Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (National Institute for Occupational Safety and Health [NIOSH] approved) shall be provided with proper training to construction workers to mitigate against dust exposure and possibly Valley Fever during high-wind events and/or dust-generating activities. Evidence of this training shall be kept on site and shall be made available to County staff upon request.
50. The permittee shall comply with all conditions set forth in the attached County Public Works, Fire, Public Health, Parks and Recreation Department letters dated October 15, 2013, August 7, 2012, September 27, 2013, and October 15, 2013, which are incorporated as if set forth in full herein.

Attachments:

Mitigation Monitoring Program (pages 1- 13)

Fire, Public Works, Public Health, Parks and Recreation Department letters dated October 15, 2013, August 7, 2012, September 27, 2013, and October 15, 2013

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2012-01589-(5) / PERMIT NO. CUP 201200086 / ENV NO. 201200158

MM#	Mitigation	Action Required	When Monitoring to Occur	Responsible Party	Monitoring Agency or Party
1	The Project shall incorporate landscaping with native, drought-tolerant vegetation for the exterior of the Project Site along the portions of the perimeter fence facing 110th Street West, West Avenue J, and along the northern boundary of the site. A Landscape Plan shall be prepared, subject to the review and approval of the County of Los Angeles. Irrigation via water trucks would be conducted until the landscaping is established. Such landscaping shall be maintained as approved during the operational phase of the Project. All perimeter landscaping shall be planted prior to energization of the solar panels.	Submittal and approval of a Landscape Plan.	Prior to issuance of certificate of occupancy	Applicant	DRP
		Installation of landscaping as described in the Landscape Plan.	Prior to energization of the solar panels	Applicant	DRP
		Maintenance of landscaping during operation.	During operation	Operator	DRP
		Review and approval of a lighting plan with mitigation measure requirements incorporated.	Prior to issuance of building permit	Applicant	DRP
2	Lighting to be installed in specific locations around the periphery of the Project site, as required for nighttime security purposes, shall consist of modern, low-intensity, downward-shielded fixtures that are motion-activated, and shall be directed onto the Project site. Motion-detectors shall be set at a sensitivity level that cannot be triggered by small animal movement.	Installation of lighting as described in plans and specifications.	Prior to energization of the solar panels	Applicant	DRP
3	The glass used to cover the Project's flat-plate photovoltaic (PV) panels shall be "high-transmission, low-iron" tempered glass and have a reflectance value of 8 percent or less. All other structures and equipment associated with the Project, including the water tanks and Substation, shall be painted with a color chosen to blend with the surroundings and minimize visual impacts.	Review and approval of the site plan with mitigation measure requirements incorporated.	Prior to issuance of building permit	Applicant	DRP
Air Quality		Installation of PV panels as described in plans and specifications.	Prior to energization of the solar panels	Applicant	DRP

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
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4	<p>During construction of the Project, the Project shall comply with Antelope Valley Air Quality Management District's (AVAQMD's) Rule 403, Fugitive Dust, to prepare a Dust Control Plan for controlling fugitive dust and avoiding nuisance. Compliance with this rule would result in a reduction in short term particulate pollutant emissions. The Dust Control Plan shall be subject to the review and approval of the AVAQMD and shall include the following strategies:</p> <ul style="list-style-type: none">• <u>Minimal Grading and Ground Disturbance:</u> The Project shall perform the minimum amount of grading and disturb the minimum amount of existing vegetation to construct the Project. Grading shall generally be limited to the proposed access roads, retention basins, Project Substation foundation, inverter pads, water tank pads, and trail areas. The existing vegetation in all other areas shall be mowed to a height consistent with vegetation management requirements and left in place.• <u>Vehicle Use:</u> The Project shall only use construction vehicles with tires and shall prohibit use of equipment with rotating wheel tracks (e.g. tank treads or caterpillar tracks).• <u>Construction Scheduling:</u> Grading activities shall be temporarily halted and/or site watering shall be increased during wind speeds that exceed 25 miles per hour, or when visible dust plumes have the potential to be transported: 1) off the Project site or 2) 200 feet beyond the centerline of the construction of linear facilities (such as the Grid-Tie). Earth-moving activities on the Project site shall be scheduled during to occur during the latter portion of the rainy season, when it is anticipated that natural rainfall shall assist with mitigation of fugitive dust.• <u>Water Application:</u> The Project shall apply water to the construction site as necessary to control fugitive dust. As required by the AVAQMD, when water is used as fugitive dust control, watering is required three times a day and increased to a minimum of four times a day if there is evidence of visible wind-driven fugitive dust.• <u>Soil Binders/Wood Mulch:</u> Soil binders and wood mulch shall be applied as necessary.• <u>Stock Piles Stabilization:</u> All stock not currently in use shall be stabilized from erosion through the use of watering, soil binders, or protected with a plastic or geo-textile mat.• <u>Final Stabilization:</u> Prior to completion of construction, all disturbed areas shall be	Submittal and approval of a Dust Control Plan.	Prior to issuance of grading or building permits, whichever occurs first	Applicant	DRP AVAQMD
		Implementation of dust control measures as described in the Dust Control Plan during construction.	During construction	Applicant	AVAQMD Applicant-appointed monitor

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<p>permanently stabilized through the use of an all-weather surface treatment and existing vegetation shall be maintained at a maximum height of 6 inches, per LACFD requirements.</p> <ul style="list-style-type: none"> • <u>Monitoring:</u> A qualified construction mitigation manager (CMM) or delegate shall be retained to be on-site during all grading activities to ensure compliance with the approved Dust Control Plan. The CMM or delegate shall monitor all construction activities for visible dust plumes. The CMM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation. 	<p>Implementation of dust control measures as described in the Dust Control Plan during operation.</p>			
Biological Resources				

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
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5	<p>A pre-construction survey for the burrowing owl shall be conducted within 14 days prior to start of construction/ground-breaking activities. For those burrows located along the Grid-Tie transmission route off the Project site, a second survey will be conducted within 24 hours of any ground-breaking activities. If these surveys do not detect occupied burrowing owls, then no further mitigation is required. If burrows occupied by burrowing owls are detected on the Project site, the Project Applicant shall notify the California Department of Fish and Wildlife (CDFW) and shall implement the following actions prior to construction (either Set A for breeding burrowing owls [March to July] or Set B for non-breeding burrowing owls [August to February]). Buffer distances are based on the recommended restricted activity dates and setback distances by level of disturbance listed in the CDFW's 2012 Staff Report on Burrowing Owl Mitigation.</p> <p><u>Set A Measures (for Breeding Burrowing Owls, between March and July)</u></p> <p>A1) No work shall occur within 200 meters (50 meters between October 16 and March 31) of the active nesting burrow; the CDFW may be consulted to determine whether a reduced buffer is acceptable.</p> <p>A2) Provide weekly monitoring of the burrowing owl nesting burrow to determine nesting outcome.</p> <p>A3) Provide CDFW with monthly updates of burrowing owl nesting success.</p> <p>A4) Resume construction at the burrow site once the Biologist determines that fledglings have left the nest and are no longer dependent on the parent.</p> <p>If burrows occupied by burrowing owls are detected within 200 meters of the off-site Grid-Tie disturbance areas, the Project Biologist shall monitor the owl(s) to ensure that the Project does not negatively impact breeding. If negative indirect impacts are suspected, the Project Biologist shall propose measures to reduce indirect impacts to the owl(s) during construction.</p>	Pre-construction Burrowing Owl survey. Review and approval of the Burrowing Owl survey results.	Prior to start of construction or ground-breaking activities	Applicant	DRP CDFW
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MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
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<u>Set B Measures (for Non-Breeding Burrowing Owls, between August and February)</u>				
<p>B1) A qualified Biologist shall notify the CDFW of the occupied burrow location and that either passive or active relocation measures will be implemented.</p> <p>B2) The Biologist shall remove the burrow.</p> <p>If impacts to burrowing owl occupied burrows are unavoidable, preservation of lands containing potentially suitable burrowing owl habitat shall be preserved at a 1:1 ratio and in accordance with guidance of the CDFW's 2012 Staff Report on Burrowing Owl Mitigation. The 1:1 ratio is expected to be adequate due to the homogenous landscape of the project area resulting in very high likelihood of highly similar, and thereby successful, mitigation lands.. Impacted lands shall be defined as the directly impacted occupied burrows and immediately adjacent habitat areas. Replacement lands shall be within the Project region (i.e. western Antelope Valley) and shall be located as close to the Project site as feasible. Vegetation types present and condition of mitigation lands shall be similar to those found on the impacted occupied burrowing owl lands. If suitable natural burrows are not present within the Project site, artificial burrows shall be constructed in accordance with guidance of the CDFW's 2012 Staff Report on Burrowing Owl Mitigation and California Burrowing Owl Consortium (1993) Guidelines. Maintenance of such lands shall be the responsibility of the Project Applicant and shall ensure that conditions and general biological value remain consistent over time. Mitigation lands shall be preserved in perpetuity, or for the length of project impacts if temporal, with a conservation easement or other form of legal dedication. Lands may be deeded to a land management-conservation entity with prior approval from the County. Mitigation lands and deeds of conservation easements proposed shall be approved by the County prior to issuance of grading permits.</p> <p>Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Maintenance Plan for the off-site mitigation lands shall be submitted to the County for review and approval. The plan shall include the maintenance requirements for the mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above. The Maintenance Plan shall also describe the performance standards for determining that mitigation requirements for the lands have been met.</p>				

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6	<p>If construction activities on the Project site and along the Grid-Tie alignment are completed between September 16 and March 31 (i.e., non-nesting season), then additional surveys for Swainson's hawk are not required.</p> <p>If new or ongoing construction activities (i.e., additional removal of potential foraging habitat through ground-disturbing activities) would occur on the Project site and along the Grid-Tie alignment between April 1 and September 15, surveys for Swainson's hawk shall be conducted following the 2010 CDFG survey protocol for the Antelope Valley prior to or concurrent with construction activities. If no active nests are detected, then no further mitigation is necessary.</p> <p>If the survey detects an active Swainson's hawk nest within a 5-mile radius of the Project site, all construction activities must fully and immediately cease and the CDFW shall be notified. If the nest is determined to be unsuccessful by a qualified Biologist, the Project Applicant may resume construction activities as long as no other active nests are located within the 5-mile radius of the Project site, as authorized by CDFW and LACDRP. If Swainson's hawk nests are determined to be successful, the Project Applicant shall consult with CDFW to determine if a "take" authorization of a State-listed species (per the California Endangered Species Act) is warranted. In light of the mitigation and requirements set forth under MM CML-1, if warranted, the Project Applicant shall pursue a CDFW permit, which will include any additional conditions requiring impact minimization to the Swainson's hawk.</p>	Pre-construction Swainson's Hawk survey, only if construction or ground-breaking activities occur during the nesting season.	Prior to start of construction/ground-breaking activities	Applicant	DRP CDFW
7	<p>If jurisdictional waters cannot be avoided, the Project Applicant shall apply for a Section 401 permit from the Regional Water Quality Control Board (RWQCB) and a 1602 Streambed Alteration Agreement from CDFW. These permits shall be obtained prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work on the Project site. The Project Applicant shall ensure that the Project would result in no net loss of "Waters of the State" by providing mitigation through impact avoidance; impact minimization; and/or compensatory mitigation for the impact, as determined in the Streambed Alteration Agreement. Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities (these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit Applicants); and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The Project Applicant retains responsibility for the implementation and success of the mitigation project. Evidence of secured permits shall be provided prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work on the Project site.</p>	If jurisdictional waters cannot be avoided, a Section 401 permit and SAA must be obtained.	Prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work	Applicant	DRP RWQCB

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8	Temporary construction staking or fencing shall be erected under the supervision of a qualified Biologist at or outside the edge of the impact areas where they interface with jurisdictional features. This fencing shall be erected prior to commencement of grading activities and shall demarcate areas where human and equipment access and disturbance from grading are prohibited. A qualified Biologist shall monitor all site preparation and grading activities near these interfaces during construction. Staging areas shall be restricted to approved impact areas only.	Temporary staking or fencing of jurisdictional features.	Prior to start of construction or ground-breaking activities	Applicant/ Construction Manager	DRP
9	The perimeter fencing surrounding the Project site will be raised at regular intervals above ground level to allow for the passage of wildlife to the lesser of either: 18 inches above grade or to the maximum height allowed by the PUC.	Review and approval of the site plan with mitigation measure requirements incorporated. Installation of perimeter fencing as described in plans and specifications.	Prior to issuance of grading or building permits, whichever occurs first	Applicant/ Construction Manager	DRP

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10	<p>To ensure compliance with the Migratory Bird Treaty Act (MBTA) and Section 3503.5 of the California Fish and Game Code, construction activities shall be conducted during the non-nesting season (September 1–January 31) to avoid any potential disturbance of avian breeding activities. Project-related activities with the potential to disturb suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a Project Biologist acceptable to the Director of Regional Planning surveys the Project area prior to disturbance to confirm the absence of active nests or nesting habitat. Disturbance shall be defined as any activity that physically removes or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment or artificial night lighting. If site clearing, construction or other ground disturbance would be conducted within the general nesting season (February 1–August 31), then a pre construction nesting bird survey shall be conducted by a qualified Biologist within three days prior to disturbance. If an active nest is located within or adjacent to the construction area and the Biologist determines that work activities may impact nesting, the Biologist shall demarcate an appropriate buffer zone around the nest, generally prohibiting construction activities within 300 feet (500 feet for raptors) of the active nest. The size of the buffer may vary (depending on site features, the sensitivity of the species, and the type of construction activity), but will be designed to prevent disruption of nesting activity. If construction activities must occur within the buffer zone of an active bird nest, the Biologist must monitor the construction activities to avoid undue disturbance to the nesting activities. The buffer zone restrictions will be eliminated once the Biologist determines that nesting activity has ceased. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. The Project Applicant shall record the results of the recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>	Pre-construction nesting bird surveys. Review and approval of the nesting bird survey results.	Prior to start of construction or ground-breaking activities	Applicant/ Construction Manager	DRP CDFW
Cultural Resources					

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11	<p>In the event of the discovery of potential cultural resources during ground-disturbing activities, ground-disturbing activities within 50 feet of the discovery shall be halted and diverted until a qualified Archaeologist assesses the resource for significance. The qualified Archaeologist will assess the resource pursuant to Section 21083.2(g) of the California Public Resources Code and Section 15064.5(a) of the State CEQA Guidelines to make recommendations of significance. The Archaeologist shall provide their recommendations to the County for a determination of significance. If the County determines the resource to be a significant resource, a "unique archaeological resource", or a "historical resource", the Archaeologist shall formulate a mitigation plan in consultation with the County that will mitigate impacts to the resource to a less than significant level. Potential mitigation could include planning construction to avoid the resource; protection and preservation in place; and/or data recovery excavation of a representative sample of the site's constituents.</p> <p>The Archaeologist shall prepare a report of the results of any study prepared as part of a testing or mitigation plan, following accepted professional practice. The report shall follow guidelines of the California Office of Historic Preservation. Copies of the report shall be submitted to the County of Los Angeles and to the California Historic Resources Information System at the South Central Coastal Information Center (SCCIC).</p>	<p>If potential cultural resources are discovered, they must be evaluated. If significant, a mitigation plan must be formulated.</p>	During construction	Applicant/ Construction Manager	DRP
12	<p>Should fossils/paleontological resources be found during ground disturbing activities for the Project, ground-disturbing activities within 50 feet of the discovery shall be halted or diverted until a qualified Paleontologist inspects the find and evaluates it for significance. Work may proceed in other areas of the site, subject to the direction of the Paleontologist. If determined significant, the Paleontologist shall be authorized to quickly and efficiently salvage and remove the fossil from its locality, as appropriate, before ground disturbing activities resume in the area. These actions, as well as final disposition of the resources, shall be subject to the approval of the County of Los Angeles. These would include identification and evaluation of the discovery and curation of the fossil in perpetuity in an accredited scientific institution approved by the County.</p>	<p>If paleontological resources are discovered, they must be evaluated. If significant, a mitigation plan must be formulated.</p>	During construction	Applicant/ Construction Manager	DRP
13	<p>In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found during ground-disturbing activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur. The County Coroner shall be notified within 24 hours of the discovery. If the County Coroner determines that the remains are or believed to be Native American, s/he shall notify the NAHC in Sacramento within 24 hours of the discovery. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site by the Property Owner. The property owner would then determine, in consultation with a designated Native American representative, the final disposition of the human remains (14 California Code of Regulations §15064.5[e]).</p>	<p>If human remains are discovered, the County Coroner must be notified.</p>	During construction	Applicant/ Construction Manager	DRP Coroner

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Hazards and Hazardous Materials

14	During construction activities, any hazardous materials encountered on the Project site requiring off-site disposal that meet hazardous waste criteria shall be transported off site by a properly licensed hazardous waste hauler who shall comply with all applicable State and federal requirements, including California Department of Transportation (Caltrans) regulations under Title 49 of the Code of Federal Regulations (CFR). Hazardous materials that may be encountered during proposed Project implementation would be handled, treated, and/or disposed of in accordance with applicable regulations and/or the requirements of the local oversight agency(ies).	If encountered, transfer and dispose of hazardous materials in compliance with applicable regulations.	During construction	Applicant/ Construction Manager	Applicant-appointed monitor
15	The Contractor shall conduct construction activities in compliance with the regulations of the Los Angeles County Fire Department, which serves as the designated Certified Unified Program Agency (CUPA), and shall implement the State and federal regulations related to (1) the Hazardous Waste Generator Program; (2) Hazardous Materials Release Response Plans and Inventory Program; (3) California Accidental Release Prevention Program (Cal-ARP); (4) the aboveground storage tank (AST) Program; and (5) the underground storage tank (UST) Program.	Conduct construction activities in compliance with regulations of LACFD.	During construction	Applicant/ Construction Manager	LACFD
16	Prior to commencement of on-site ground-disturbing activities, the Project Applicant shall obtain a statistically valid number of soil samples from the identified areas and analyze for the presence of organochlorine pesticides and arsenic. The results of testing shall be made available to the County for review and confirmation. If the results of the soil testing show the presence of chemicals below regulatory levels, grading or excavation may proceed accordingly. If chemical levels are above regulatory standards, remediation and/or removal of contaminated soils in compliance with applicable local, State, and federal standards and requirements shall be conducted prior to Project construction.	Pre-construction soil testing and compliance with applicable regulations.	Prior to start of construction or ground-breaking activities	Applicant/ Construction Manager	LACFD
17	If abnormal soil staining and/or odors are encountered during grading and excavation activities that could indicate the presence of petroleum hydrocarbons, heavy metals, or other contamination, construction activities shall be halted and an assessment of the soils shall be conducted prior to the continuation of grading or excavation activities. If the results of the soil testing show the presence of chemicals below regulatory levels, grading or excavation may proceed accordingly. If chemical levels are above regulatory standards, remediation and/or removal of contaminated soils in compliance with applicable local, State, and federal standards and requirements shall be conducted prior to Project construction.	Halting of construction and soil testing, if abnormal soil conditions are encountered.	During construction	Applicant/ Construction Manager	Applicant-appointed monitor
18	During operation, the County shall require the use of demineralized water in all photovoltaic (PV) panel cleaning activities. No other cleaning agents or additives shall be used.	Requires use of water only for panel cleaning.	During operation	Applicant/ Operator	Applicant-appointed monitor
Recreation					

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19	<p>The Applicant shall design and construct an eight-foot - (8') wide trail along the eastern boundary of the Project site, in a manner consistent with the County of Los Angeles Trails Manual (Trails Manual), to form part of Los Angeles County Trail Number 130 (California Poppy Trail) on the Los Angeles County Trails Map. The trail shall be constructed within a twelve-foot (12') easement that shall be dedicated and recorded as a separate document.</p> <p>Prior to issuance of Building Permits, the Applicant shall submit detailed grading information for the trail construction to the Department of Parks and Recreation and include all pertinent information required in the Trails Manual.</p>	Design a trail in compliance with County Trails Manual.	Prior to issuance of grading or building permits, whichever occurs first	Applicant	DPR
		Construct a trail in compliance with County Trails Manual.	Prior to energization of the solar panels	Applicant	DRP
Utilities and Service Systems					
20	<p>Construction activities on the Project site shall be conducted in compliance with Chapter 20.87 (Construction and Demolition Debris Recycling and Reuse) of the Los Angeles County Code. Therefore, a Recycling and Reuse Plan (RRP) must be submitted to the Los Angeles County Department of Public Works, Environmental Programs Division, prior to permits (grading or building, whichever comes first) being issued for the Project.</p>	Submittal and approval of a RRP.	Prior to issuance of grading or building permits, whichever occurs first	Applicant/ Construction Manager	DRP
Mandatory Findings of Significance					

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21	<p>Prior to the issuance of a grading permit, Project Applicant shall provide dedicated open-space lands at a minimum 2:1 ratio (replacement:impact) for the lands disturbed by Project implementation, according to the terms of the Habitat Mitigation and Monitoring Plan (HMMP). The acreage of impacted lands requiring mitigation is calculated to include all graded areas and all areas within the fenced confines of the proposed facility, including areas directly beneath and between solar panels. A total of 357 acres of mitigation land shall therefore be provided by the Project Applicant. The 84 acres of the Project site that shall not be developed may count towards satisfaction of a portion of the total required acreage. The remaining 273 acres shall be acquired off-site. Off-site mitigation lands must be located within the Project region (i.e. western Antelope Valley) and shall be located as close to the Project site as feasible. The vegetation types, overall biological value, and the condition of mitigation lands shall be comparable to those found on the impacted lands on the Project site. Maintenance of such lands shall be the responsibility of the Project Applicant and the mitigation lands must be maintained to ensure conditions and general biological value remain consistent over time. Mitigation lands shall be selected in consultation with CDFW and preserved with a conservation easement or other form of legal dedication in perpetuity, or until the Project site is restored to its pre-developed conditions per the requirements of the approved Decommissioning Plan. Lands may be deeded to a land management-conservation entity with prior approval from the County. Mitigation lands and deeds or conservation easements proposed shall be approved by the County prior to issuance of grading permits.</p> <p>Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Maintenance Plan for the off-site mitigation lands shall be submitted to the County for review and approval. The plan shall include the maintenance requirements for the mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above. The Maintenance Plan shall also describe the performance standards for determining that mitigation requirements for the lands have been met.</p>	Obtain dedicated open space	Prior to issuance of grading or building permits, whichever occurs first	Applicant/ Construction Manager	DRP
		Prepare HMMP	Prior to grading	Applicant	DRP

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22	<p>The Construction Staging Plan (CSP), to be reviewed and approved by the County, will detail access routes, storage areas, high-traffic areas, and methods for the installation of the panels and other equipment in non-graded areas. The CSP will ensure that construction staging areas are sited in upland areas outside stream channels and other surface waters on or around the Project site. Buffer areas will be identified and exclusion fencing will be used to protect the water resource and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing stream channels. Construction equipment will be required to use existing roadways to the extent feasible. A qualified construction mitigation manager (CMM) or delegate will be responsible for documenting adherence to the CSP during the construction phase of the project.</p> <p>A post-construction "as-built" plan will be required prior to energization of the project, which shall detail areas of disturbance needing further restorative work in order to meet the expected criteria upon which the cumulative impacts analyses were based. In the event that the as-built plan reveals the need for restoration after construction, a Revegetation Plan that details steps proposed for the restoration of disturbed areas after construction will be required to be prepared and implemented. Restoration performance goals shall be based upon the quality of the on-site vegetation at the time of the CUP approval. The Revegetation Plan shall include a five-year annual reporting program to document the site's recovery towards these expected criteria, and shall include provisions for adaptive management contingencies if adequate re-vegetation has not occurred within a three-year period from energization.</p> <p>After the five-year monitoring period has elapsed, the mitigation may be deemed complete if the performance goals have been satisfied. Further mitigation may be required, subject to enforcement penalties, if the performance goals have not been met.</p> <p>Maintenance of the site in keeping with performance goal criteria shall be a condition of the CUP, subject to enforcement penalties, and shall be confirmed through a requirement in the project MMRP that annual reporting shall continue for the life of the project.</p>	<p>Submittal and approval of CSP and "as-built" plan</p>	<p>Prior to issuance of grading permit for the CSP, and prior to energization for the "as-built" plan</p>	<p>Applicant/ Construction Manager</p>	<p>DRP</p>
		<p>Maintenance of the site</p>	<p>Life of project</p>	<p>Applicant/ Construction Manager</p>	<p>DRP</p>



COUNTY OF LOS ANGELES FIRE DEPARTMENT

Land Development Unit – Fire Prevention Division
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243, Fax (323) 890-9783

DATE: August 7, 2012

TO: Department of Regional Planning
Zoning Permits North Section – Anthony Curzi

PROJECT #: CUP #2012-01589

LOCATION: Avenue J, between 110th Street West & 115th Street West

FIRE DEPARTMENT SOLAR ARRAY FIELD CONDITIONS

General Comments:

1. The proposed project is "**Cleared**" for public hearing.
2. As indicated on the site plan, the proposed solar array field will require a minimum of one entry/ exit location at the Northern Segment and Southern Segment
3. As indicated on the site plan, provide a 20-foot on-site perimeter Fire Department access road.
4. As indicated on the site plan, provide interior access roads which meet the Fire Department's access width and turning radius requirements.
5. As noted on the site plan, provide one water tank at the Northern Segment and one water tank the Southern Segment of the proposed solar array field. Each water tank shall be located near the address side entry/ exit gates. Each water tank shall have a low level water local alarm at both 10,000 gallon water level and the low water level, which shall be in compliance with all applicable codes and regulations.

Off-site & On-site Fire Apparatus Access Road Requirements:

1. The fire apparatus off-site and on-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.
2. The fire apparatus off-site and on-site access roads shall be installed prior to occupancy or operation of the facility.
3. Provide access to any on-site building, above and below grade, including electrical collection vaults, and comply with the below listed requirements.
4. The fire apparatus off-site and on-site access roads for the solar array field shall have a soil compaction of 90%, OR the apparatus access road shall be excavated and re-compacted to 90%.
5. Provide a Fire Department access road around the entire on-site perimeter of the solar project, along with interior access throughout the solar array field. The interior access roads shall comply with all access requirements.



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Off-site & On-site Fire Apparatus Access Road Requirements Continue:

6. Provide a minimum width of 20 feet, clear-to-the sky, for the fire apparatus off-site and all on-site access roads. The fire access roads include the interior perimeter road, and interior roads. Provide a center-line turning radius of 32 feet, with an inner radius of 22 feet and an outer radius of 42 feet, for each turn in the solar array field.

On-Site Ingress/ Egress Gates:

1. The onsite ingress/ egress gate shall be located on the address side of the property, and shall be a minimum of 50 feet from the edge of payment or road.
2. The onsite ingress/ egress gate width shall be a minimum 20 feet, clear-to-the sky, with all gate hardware clear of the road way width.
3. The facility emergency contact information shall be provided with each limited access device, per LACoFD Regulation 5, and shall be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches.
4. The onsite ingress/ egress gates shall be in compliance with LACoFD Fire Prevention Regulation #5.
5. No other gates are permitted on the interior access roads.

Water & Water Tank Requirements:

1. This development requires the installation of one water tank with a minimum tank size of 10,000 gallons for Fire Department use only.
2. The water tanks shall be clearly identified for "Fire Department Use Only".
3. The water tanks shall be located near the ingress/ egress gate located on the address side of the property.
4. The water tanks shall be in compliance with LACoFD Regulation 19, which provide direction for the installation of a water tank.
5. Each water tank shall have a low level water local alarm at both 10,000 gallon water level and the low water level, which shall be in compliance with all applicable codes and regulations.
6. The water tank shall have a Fire Department supply outlet of 2 1/2 inches in diameter with National Standard threads. The supply outlet is to be located 14-24 inches above the finished grade, and is required to be protected by approved barricades.
7. If the outlet is not provided directly off of the tank, provide a 6 inch underground pipe to a 4 inch upright pipe with an outlet of 2 1/2 inches with National Standard threads, which is required to be protected by barricades.



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Vegetation Management:

1. The clearance of vegetation shall be in compliance with the brush clearance regulation as defined by the Fire Code or as directed by the Fire Official.
2. The vegetation shall be trimmed to a maximum height of 6 inches within the boundaries of the solar array.
3. Electrical transformer vaults or structures shall have all vegetation cleared to mineral soil for a distance of 50 feet.

Electrical Equipment:

1. All electrical disconnect locations shall be clearly identified.
2. All electrical shall be in compliance with all applicable state and local codes.

Additional Requirements:

1. All Fire Protection facilities, including access and water, must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Wally Collins



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone (626) 458-5100
<http://dpw.lacounty.gov>

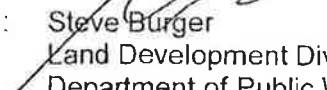
ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

October 15, 2013

IN REPLY PLEASE
REFER TO FILE LD-3

TO: Susan Tae
Zoning Permits North Section
Department of Regional Planning

Attention Anthony Curzi

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201200086
PROJECT NO. R2012-01589
110TH STREET WEST AND AVENUE J
UNINCORPORATED COUNTY AREA OF LANCASTER

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan associated with CUP No. 201200086 in the unincorporated County area of Lancaster. The project consists of developing a 263-acre site with a solar energy facility that would produce 20 megawatts of alternating current of renewable electric power during daytime hours. The renewable energy would be transmitted to Southern California Edison's nearby Antelope Substation located at 95th Street West and Avenue J. An off-site, grid-tie, transmission line (Grid-Tie) would run east from the project site, parallel with Avenue J, for approximately 1.5 miles. The Grid-Tie would enter the Antelope Substation in order to connect the project to the existing transmission infrastructure.

Public Works recommends approval of this CUP with the conditions noted below:

1. Road

- 1.1 Dedicate right of way, 32 feet from centerline, along the property frontage on Avenue J to the satisfaction of Public Works. An additional two feet of right of way is required. A fee deposit will be required for the review of the dedication documents.
- 1.2 Dedicate right of way, 52 feet from centerline, along the property frontage on 110th Street West to the satisfaction of Public Works. An additional two feet of right of way is required. A fee deposit will be required for the review of the dedication documents.
- 1.3 Make an offer of private and future right of way, 32 feet from centerline, along the property frontage on 115th Street West (south of Avenue J) to the satisfaction of Public Works. A fee deposit will be required for the review of the dedication documents.
- 1.4 Make an offer of private and future right of way, 32 feet from centerline, along the property frontage on Avenue J-8 (southerly property boundary) to the satisfaction of Public Works. A fee deposit will be required for the review of the dedication documents.
- 1.5 Dedicate an adequate right-of-way corner cut-off (beginning of curb return [BCR] to end of curb return [ECR]), based on a 35-foot curb return radius, at the intersections of 110th Street West and Avenue J and 110th Street West and Avenue J-8 to the satisfaction of Public Works. A fee will be required for the review of the dedication documents.
- 1.6 Dedicate an adequate right-of-way corner cut-off, BCR to ECR, based on a 25-foot curb return radius, at the intersection of 115th Street West and Avenue J to the satisfaction of Public Works. A fee will be required for the review of the dedication documents.
- 1.7 Make an offer for a right-of-way corner cut-off, BCR to ECR, based on a 25-foot curb return radius, at the intersection of 115th Street West and Avenue J-8 to the satisfaction of Public Works. A fee will be required for the review of the dedication documents.

- 1.8 Provide a minimum 10-foot-wide slope and drainage easement beyond the right-of-way offers, along all street frontages where deficient, to the satisfaction of Public Works. All proposed trails shall be located outside of any existing or proposed drainage and/or slope easements and onsite setbacks shall be adjusted where applicable to the satisfaction of Public Works and Regional Planning.
- 1.9 Whenever there is an offer of a future street, or a private and future street, provide a drainage statement/letter.
- 1.10 Underground new utility lines within the County right of way to the satisfaction of Public Works and Southern California Edison. A franchise agreement will be required for distribution/transmission facilities within the public right of way.
- 1.11 Construction within the road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work.
- 1.12 Repair any public improvements damaged during construction along the property frontage to the satisfaction of Public Works.
- 1.13 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit, as applicable.

For questions regarding the road conditions, please contact Patricia Constanza of Public Works' Land Development Division at (626) 458-4921 or pconstan@dpw.lacounty.gov.

2. Grading

- 2.1 Agency/regulatory permits, or letters of nonjurisdiction, may be required prior to grading plan approval.
- 2.2 Submit a grading plan for approval. The grading plan must show and call out items including, but not limited to, construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, water quality devices, and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required. Grading shall be

limited to only the access roads, substations, tanks, inverter pads and basins. Grading is not permitted in the areas where the solar panels are to be located; the disturbance in these areas shall be minimized to the extent possible and be confined to mowing of existing vegetation and with limited use of vehicles and other equipment for the purpose of panel installations to the satisfaction of Public Works and Regional Planning.

- 2.3 Provide approval of the latest drainage concept/hydrology plan from Land Development Division's Storm Drain and Hydrology Section.
- 2.4 A maintenance agreement may be required for all privately maintained drainage devices.
- 2.5 Provide soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division, as applicable.
- 2.6 Obtain all applicable jurisdictional and regulatory permits. These agencies may include the State of California Regional Water Quality Control Board; State of California Department of Fish and Wildlife; State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources; and U.S. Army Corps of Engineers.

For questions regarding the grading conditions, please contact Patricia Constanza of Land Development Division at (626) 458-4921 or pconstan@dpw.lacounty.gov.

3. Building and Safety

- 3.1 Submit plans and specifications to meet current applicable codes and standards for structures, grading, mechanical, plumbing, and electrical.
- 3.2 All electrical installations shall comply with the County of Los Angeles Electrical Code.
- 3.3 Comply with fire, life safety, structural, and accessibility requirements including Americans with Disabilities Act guidelines.
- 3.4 Any occupiable building must have a restroom for employees.
- 3.5 All foundations must be engineered to comply with existing soil conditions.

Susan Tae
October 15, 2013
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- 3.6 Obtain approval from other agencies prior to permit issuance.

For questions regarding the building and safety conditions, please contact Clint Lee of Public Works' Building and Safety Division at (626) 458-3173 or cllee@dpw.lacounty.gov.

4. Drainage

- 4.1 Comply with the requirements of the hydrology study/water quality plan, which was approved on September 19, 2013, to the satisfaction of Public Works.

- 4.2 Prior to grading plan approval, the applicant shall obtain a jurisdictional determination letter or equivalent from the US Army Corps of Engineers and written acknowledgement from the State Department of Fish and Wildlife that no jurisdictional surface water drainages occur in the grading footprint. Documentation from jurisdictional agencies shall be obtained to the satisfaction of Public Works.

- a. This site is located in Zone A per the Federal Flood Insurance Rate Map. A Conditional Letter of Map Revision from FEMA may be required for any encroachments into Zone A. This letter shall be obtained to the satisfaction of Public Works.

- 4.3 Portions of the site contain a drainage area designated as a 50-foot-wide Floodplain Management Path as shown on the Antelope Valley Master Drainage Plan. The County reserves the right to restrict construction within this flood hazard area. Prior to grading plan approval, obtain and record a covenant dedicating to the County the right to restrict the erection of buildings or other structures in the flood hazard area as shown on the Antelope Valley Master Drainage Plan to the satisfaction of Public Works.

For questions regarding the drainage conditions, please contact Ernesto Rivera of Land Development Division at (626) 458-4921 or erivera@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

MD:tb

P:\dpw\SUBPCH\CK\Plan Check\CUP\CUP 201200096\TCUP 2012-86\2013-09-17 TCUP 2012-86 \CUP 2012-86 Recommended Conditions.docx



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Acting Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

JACQUELINE TAYLOR, REHS
Director of Environmental Protection Bureau

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Chief EHS, Land Use Program

MICHELLE TSIEBOS, REHS
Environmental Health Specialist IV
Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5382 • FAX (626) 813-3016



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September 27, 2013

TO: Susan Tae
Supervising Regional Planner
Department of Regional Planning

FROM: Michelle Tsiebos, REHS 
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2012-01589/ RCUP 201200086
West Antelope Valley Solar Energy Project
Location: West Avenue J and 110th Street West,



Public Health recommends approval of this CUP.



Public Health does **NOT** recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the CUP for the above referenced project. The project is proposing the construction and operation of a 20.0 megawatt (MW) photovoltaic (PV) solar electric generating facility.

The Department recommends approval of this CUP with the following conditions:

Potable Water Supply and Sewage Disposal

As mobile sanitation facilities are proposed, the applicant shall submit for review, approval, and permitting, a Mobile Sanitation Facility Plan consistent with Public Health's guideline, "Sanitation Facilities at Remote Worksite Locations." Please see the guidelines attached at the end of this document.

For questions regarding the above requirements, please contact Patrick Nejadian at (626) 430-5390.

Noise and Air Quality

1. There are no sensitive use receptors near or in close proximity to the proposed project. However, the applicant shall still adhere to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.
2. According to the initial study, the Project Applicant shall prepare a Dust Control Plan that includes requirements for minimal grading, vehicle use, construction scheduling, water application, soil binders/wood mulch, stock piles stabilization, final stabilization, and monitoring. The applicant shall implement MM AQ-1 to prevent or minimize the Project from substantially increasing windblown dust concentrations.

For questions regarding the above comments, please contact Evenor Masis or Robert Vasquez at (213) 738-3220.

If you should have any questions or need additional information, please contact me at (626) 430-5382.

Sanitation Facilities at Remote Worksite Locations

1.0 Background and Purpose

Typically, permanently installed restroom and potable water facilities are required to be provided at worksite locations. In situations where permanent restrooms and potable water facilities are not feasible, the County Department of Public Health (Department) may approve the use of *"mobile sanitation facilities"* consistent with standards specified in Los Angeles County Code, Title 11 and the California Code of Regulations, Title 8.

The purpose of this document is to outline the procedure for obtaining Departmental approval for the use of *"mobile sanitation facilities"* by mobile crews at unattended commercial worksites located in remote areas of the County where conventional restroom facilities are unavailable and/or impractical due to the lack of a potable water supply.

2.0 Definition

A *"mobile sanitation facility"* is a portable restroom facility that is self-contained, and equipped with potable water, a toilet, a hand washing facility, and a waste water storage tank. [Note: A portable chemical toilet, commonly referred to as a *"porta-potty"*, is not considered a mobile sanitation facility.]

3.0 Regulatory Requirements

The following requirements are based on provisions of Los Angeles County Code, Title 11 - Health & Safety, and Cal-OSHA sanitation standards in Section 3360, Title 8, California Code of Regulations.

3.1 Mobile Sanitation Facility Plan

An applicant seeking to use a *"mobile sanitation facility"* in conjunction with a conditional use permit to develop and operate a remote commercial work site shall submit to the Department for review and approval a *mobile sanitation facility plan* to include the following:

- 3.1.1** The projected number of employees that will use the proposed mobile sanitation facility.
- 3.1.2** A Site Plan showing the proposed location(s) of the facility.
- 3.1.3** A service and maintenance schedule for the facility.
- 3.1.4** Description of how potable drinking water will be provided in a manner as to be readily accessible to employees. Identification of potable water source and method of dispensing (container and single-use cups or bottled water). Description of how drinking water containers are maintained, including methods to prevent contamination of drinking water.
- 3.1.5** Copy of a service agreement with a permitted toilet rental agency to provide a mobile sanitation facility approved by the Department. If the applicant proposes to design and construct the mobile sanitation facility, design drawings and specifications shall be included.

3.2 Permitting, Maintenance and Storage Requirements

Upon approval of the plan referenced in 3.1 above, the Department will issue an annual operating permit to the applicant. The operating permit will include the following conditions:

3.2.1 The mobile sanitation facility shall be maintained in a safe and sanitary condition so as not to constitute a public health hazard or nuisance.

3.2.2 The mobile sanitation facility must be removed from the work site at the end of each work day, and be returned to an approved storage site.

For questions regarding these requirements, please contact the Department's Land Use Program at (626) 430-5380.



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Russ Guiney, Director

John Wicker, Chief Deputy Director

March 11, 2013

TO: Anthony Curzi Sent via e-mail: acurzi@planning.lacounty.gov
Current Planning Section
Department of Regional Planning

FROM: Olga Ruano *OR*
Park Planning Assistant
Trails Section

SUBJECT: **COUNTY PROJECT NO. R2012-01589-(5)**
CONDITIONAL USE PERMIT NO. RCUP201200086
TUUSO ENERGY, LLC
ANTELOPE VALLEY WEST
TRAIL CONDITIONS REPORT

The Department of Parks and Recreation requests that the Department of Regional Planning condition the above mentioned project with the following conditions:

Trail Specific Conditions

- I. Prior to issuance of a grading permit, building permit or improvement plans, or whichever comes first, the Applicant shall:
 - a. Dedicate by separate document to the County of Los Angeles, Department of Parks and Recreation, a twelve foot (12') wide non-motorized, multi-use (hiking, mountain biking, and equestrian) trail easement on the east side of the project site contiguous to, though outside of the 110th St. road right-of-way and/or slope easement, for purposes of the California Poppy Trail.
 - b. Dedications and the following language (in exact form) must be shown for trail dedications on the proposed site plan and in the easement document.
 - "We hereby dedicate to the County of Los Angeles Department of Parks and Recreation a twelve foot (12') wide trail easement for multi-use (hiking, mountain biking and equestrian) purposes for the California Poppy Trail. Full public access shall be provided for the multi-use (hiking, mountain biking, and equestrian) twelve foot (12') wide trail easement."

General Conditions

1. The trail easement shall be recorded as a separate document and the plat map and legal description shall be attached.
2. Trail easement document and supporting documentation shall be submitted to the satisfaction of the Director of Department of Parks and Recreation.

Trail Construction Conditions:

1. Trails shall be designed and constructed in a manner consistent with the County of Los Angeles Trails Manual (Trails Manual). The County of Los Angeles Trails Manual is available online at <http://lacountytrailsmanual.com/>. Significant deviation from the guidelines within the Trails Manual must be approved in writing by the Department of Parks and Recreation.
2. Prior to use and reliance on this conditional use permit, and prior to issuance of a grading or building permit, the Applicant shall:
 - a. Provide to the Department of Parks and Recreation, grading plans, to include detailed grading information for the segment of trail. The detailed grading information for the trail construction, shall include all pertinent information required, per Department of Parks and Recreation trail standards and all applicable codes, but not limited to the following:
 - i. Cross slope gradients not to exceed four percent (4%) with two (2%) preferred, and longitudinal (running) slope gradients not to exceed twelve percent (12%) for more than fifty (50') feet. The Department of Parks and Recreation will review and may allow slopes slightly greater than twelve percent (12%) on a case by case basis.
 - ii. Typical trail section and details to include:
 - Name of trail
 - Longitudinal (running) gradients
 - Cross slope gradients
 - Width of trail or, if requested by Department of Parks and Recreation, denote as variable width.
 - iii. Bush Hammer (or equivalent) finish at minimum width of eight (8') feet for roadway trail crossings at all concrete surfaces.
 - iv. Appropriate fencing where deemed necessary, for user safety and property security, as approved by the Department of Parks and Recreation.
 - v. Trail easement must be outside of the road right-of-way, and/or slope easement.
 - vi. Any streetlight pole(s) must have cross-walk activation buttons at two heights to accommodate both pedestrian and equestrian traffic. Request coordination with Public Works to address crosswalk design standards.
 - vii. Mid-point trail street crossings must be approved by Public Works.
 - b. Submit a cost estimate for the construction of the trails with the grading plans.

Curzi, Anthony
March 11, 2013
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- c. Upon Department of Parks and Recreation approval of the trail alignments and construction specifications shown on the grading plans, the Applicant shall post Faithful Performance and Labor and Materials (FPLM) bonds with the Department of Parks and Recreation for construction of the trail in the amount specified on within the cost estimate.
3. Prior to initiation of trail construction, the Applicant shall:
 - a. Submit a preliminary construction schedule showing milestones for completing the trail. The Applicant's representative shall provide updated trail construction schedules to the Department of Parks and Recreation on a monthly basis. Schedule submittals shall include a "Two Week Look-Ahead" schedule, to reflect any modifications to the original schedule.
 - b. Stake the centerline of the trail. The Applicant's representative shall then schedule a site meeting with the Department of Parks and Recreation's Park Planner within the Trails Section for trail alignment inspection and approval.
4. The Applicant shall notify the Department of Parks and Recreation for a Final Inspection Trail Walk within five (5) business days of completion of trail construction, including installation of all required amenities. Any portions of the constructed trail not approved shall be corrected and brought into compliance with the Department of Parks and Recreation's trail construction guidelines within thirty (30) calendar days. Upon completion of the punch list, the Applicant shall contact the Department of Parks and Recreation to schedule another site inspection.
5. Prior to Departmental final acceptance of the constructed trail by the Department of Parks and Recreation, the Applicant shall:
 - a. Submit electronic copies on CD or DVD (AutoCAD 2005 or newer version) of the As-Built Trail, grading and construction drawings to the Department of Parks and Recreation, Trails Section.
 - b. Submit a letter to the Department requesting acceptance of the dedicated constructed trail. The Department will issue a trail acceptance letter only after receiving as-built trail drawings.

Rationale for the Trail Conditions

This request for trail easement and trail construction for the purposes of the California Poppy Trail is consistent with:

1. The County of Los Angeles General Plan,
2. The County of Los Angeles Trails System adopted by the Board of Supervisors in 2007, and;
3. The Antelope Valley Area Plan adopted by the Board of Supervisors in 2007.

For any questions concerning trail alignment or conditions of approval, please contact Lorrie Bradley, Park Planner, by phone at (213) 738-2812 or by e-mail at lbradley@parks.lacounty.gov.



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Russ Guiney, Director

John Wicker, Chief Deputy Director

August 27, 2012

Sent via e-mail: acurzi@planning.lacounty.gov

TO: Anthony Curzi
Department of Regional Planning

FROM: Julie Yom *JY*
Environmental and Regulatory Permitting Section

SUBJECT: **PERMIT CONSULTATION
COUNTY PROJECT NO. R2012-01589-(5)
CUP 201200086
110th STREET WEST AND WEST AVENUE J, ANTELOPE VALLEY**

The above project has been reviewed for potential impacts on the facilities of the Department of Parks and Recreation (DPR) for which we offer the following comment:

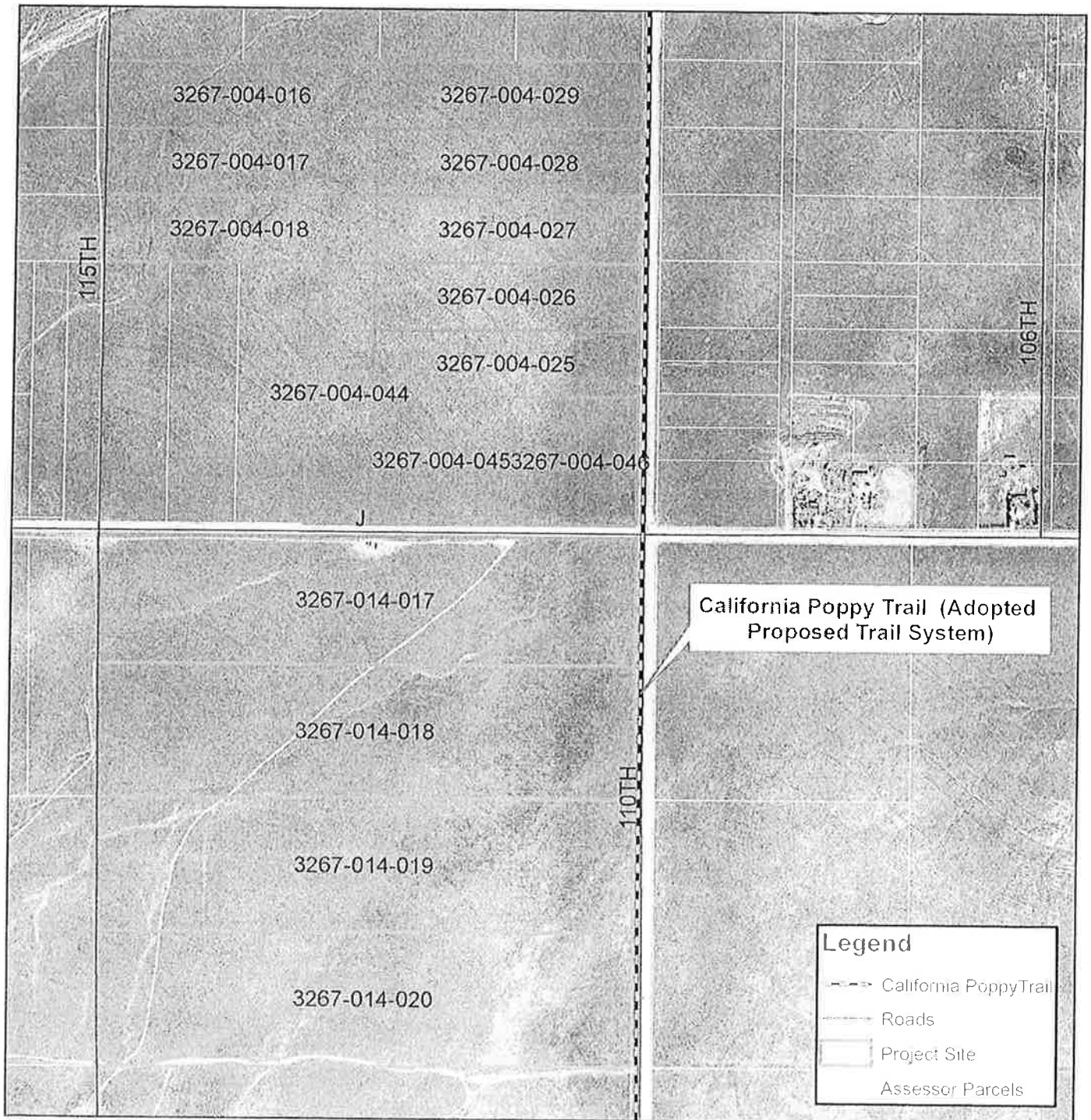
- A County Adopted Proposed Trail, California Poppy Trail, is to be located on the eastern part of the proposed project area (see attached map). DPR requests the dedication of a twelve foot wide trail easement including construction of the trail.

Thank you for including this Department in the review of this notice. If you have any trail related questions, please contact Ms. Olga Ruano at (213) 738- 2014 or email oruano@parks.lacounty.gov. For any other inquiries, please contact Ms. Julie Yom at (213) 351-5127 or jyom@parks.lacounty.gov.

JY: OL/ Project Consultation for R2012-01589-(5)/ Antelope Valley

Enclosure: Map depicting the California Poppy Trail

c: Parks and Recreation (N. E. Garcia, K. King, J. Rupert, J. Barber, L. Bradley, O. Ruano)



Los Angeles County
Department of Parks and Recreation

Sources

Trails: Department of Parks and Recreation

Parcel Data: Los Angeles County Assessor's Office

Roads: Thomas Brothers (All Rights Reserved)

Aerial Imagery: LARIAC 3

Date: August 1, 2012

Map Prepared by Planning Division

Los Angeles County Parks and Recreation

